

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 18-06112-CV-SJ-ODS
)
)
\$470,558.94 SEIZED FROM)
PLATTE VALLEY BANK ACCOUNT)
NO. XXXX2121 IN THE NAME OF)
ZIESON CONSTRUCTION)
COMPANY, LLC, et al.,)
)
Defendants.)

ORDER GRANTING MOTION FOR JUDGMENT OF FORFEITURE

On July 19, 2018, a Verified Complaint for Forfeiture *in Rem* was filed on behalf of the plaintiff, United States of America, against the defendant property, a 2015 Ford F-250, VIN: 1FT7W2BT4FED49948. The Complaint alleged the defendant property was involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 and 1960, or was property traceable to property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 and 1960, and therefore, was subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A). The Complaint further alleged the defendant property was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it constituted or was derived from proceeds traceable to specified unlawful activity or a conspiracy to commit such unlawful offenses, that is, a conspiracy to defraud the United States, in violation of 18 U.S.C. § 371, major fraud against the United States, in violation of 18 U.S.C. § 1031, and wire fraud, in violation of 18 U.S.C. § 1343.

Process was fully issued in this action and returned according to law. Pursuant to an executed warrant for arrest of property issued by this Court, the Internal Revenue Service arrested this defendant property on July 27, 2018. The following known potential claimants for this defendant property were served the Notice of Complaint and

Complaint for Forfeiture *In Rem* and have acknowledged service thereof: Rustin Simon¹ and Ally Bank. Any and all other potential claimants have been notified of the action and of their rights to assert a claim for the defendant property by publication for thirty consecutive days beginning on March 6, 2019, and ending on April 4, 2019, on the official government site, www.forfeiture.gov, which publication is evidenced by a Declaration of Publication on file with this Court. Doc. #1-1.

The United States and claimant Ally Bank entered into a settlement agreement, which is hereby APPROVED as submitted. Pursuant to the agreement, after a judgment of forfeiture and sale of the defendant vehicle, Ally Bank shall be paid from net proceeds of the sale for the unpaid principal on its loan plus interest due as set forth in the settlement agreement. No other claims for the defendant property have been filed and the time within which such claims must have been filed has expired.

The Court grants Plaintiff's motion for a judgment of forfeiture, and orders the following:

(1) the settlement agreement between the United States and Ally Bank is approved. The claim of Ally Bank in the amount of \$17,367.10 plus interest shall be paid by the United States out of the proceeds of the sale of the defendant property. Each party will bear their own costs;

(2) all persons claiming any right, title, or interest in or to the defendant property are held in default;

(3) all claims and interests in the defendant property, except as provided herein, are forever foreclosed and barred;

(4) the defendant 2015 Ford F-250, VIN: 1FT7W2BT4FED49948 is hereby forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C) to be disposed of according to law; and

(5) the Clerk of the Court shall enter a judgment consistent with this Order.

IT IS SO ORDERED.

DATE: September 10, 2019

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT

¹ Rustin Simon is the Registered Agent for Simcon Corp.